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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financial performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the period from 1 January to 31 December 2001

Report of the Secretary-General**

Summary

The present report contains the seventh annual financial performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the period from 1 January to 31 December 2001.

In its resolution 55/226 of 23 December 2000, the General Assembly decided to appropriate to the Special Account for the International Tribunal for Rwanda a total of $93,974,800 gross ($85,607,600 net) for 2001. The recorded expenditure for the period amounted to $96,639,300 gross ($87,487,600 net), resulting in a shortfall of $2,664,500 gross ($1,880,000 net). The shortfall will be considered in the context of the financing resolution for the Tribunal for 2003.

* A/57/150.

** The delayed submission of this report was due to the need for extensive consultations between the Tribunal and Headquarters.

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I. Introduction

1. The present financial performance report for the International Tribunal for Rwanda covers the period from 1 January to 31 December 2001 and is submitted in compliance with General Assembly resolution 49/251 of 20 July 1995. In addition, in accordance with Assembly resolution 52/218 of 22 December 1997, annex I provides detailed actual workload statistics reflecting the activities of the Tribunal.

2. During the period under review, there were a total of 340 court-days during which the Trial Chambers disposed of 336 pre-trial and trial motions, oral applications and evidentiary objections. The Chambers held trial hearings on Fridays, which had normally been set aside for judges to hold meetings, consider motions, participate in deliberations and render written decisions on briefs. The Chambers also exercised judicial control over court proceedings by streamlining the number of witnesses, placing time limits on the examination of witnesses, issuing directives and scheduling orders at the pre-trial conferences on the presentation of evidence.

3. Four cases involving 10 accused persons opened in 2001 and at the end of the year seven cases were in progress. One verdict was rendered in the case of Bagilishema and the Appeals Chamber gave final judgements in the Akayesu, Kayishema and Ruzindana, and Musema cases.

4. During the year, Investigations Division operations covered North America, Western Europe, Central and West Africa, and Eastern and Southern Africa. The year 2001 saw the highest number of arrests made in any one year by the Division: 12 accused persons were located and arrested in several countries in Africa and Europe. The length of time required to transfer the accused from the place of arrest was reduced in 2001, with a real acceleration of national proceedings. All the accused arrested in 2001 have been detained in Arusha. Consequently, proceedings concerning the pre-trial stage have increased over projections.

5. A new Deputy Registrar was appointed in October 2001. The filling of this important post, which had been vacant for several months, strengthened the Registrar's capacity to provide judicial and legal support to the organs of the Tribunal.

6. The Registrar launched an initiative aimed at establishing and strengthening institutional collaboration between the Tribunal and the Organization of African Unity in order to increase the impact of the Tribunal in the African region. Relations between the Tribunal and Rwanda have remained positive. However, problems were experienced late in 2001 with the flow of witnesses, mostly for the prosecution, from Rwanda. Based on unsubstantiated allegations of mistreatment of witnesses who came to testify at the Tribunal, some genocide survivor associations announced a boycott of the Tribunal, resulting in the refusal of a number of prosecution witnesses to travel to Arusha in order to testify. In two cases where this problem arose, the Trial Chambers ordered the witnesses removed from the list of witnesses and the trial proceeded without interruption.

7. A total of 14 warrants of arrest and orders for transfer were transmitted to 8 States (4 in Africa and 4 in Europe), and 12 accused persons were transferred to the seat of the Tribunal with the full cooperation of those States where they were arrested. The European States on whose territory persons were arrested continued to

cover the cost of their transfer to Arusha. The transfer of persons who were arrested in African countries was organized and completed by the Tribunal.

8. In the seven cases presently at the defence case presentation stage before the Trial Chambers, a total of 25 defence witnesses were brought from 24 countries of residence to the seat of the Tribunal in Arusha. The Witnesses and Victims Support Section — Defence successfully enlarged its operational network in a number of new countries, and this has contributed immensely to the discharge of the Tribunal's mandate. The Section has successfully negotiated with Governments of countries where defence witnesses are domiciled, including countries where it had never operated before, for the provision of temporary travel documents, enabling the witnesses to travel to and from Arusha. Without the support of those countries, the majority of the witnesses would not have been able to travel to and be heard by the Tribunal.

9. The period covered by the present report has been one of intense activity for the Witnesses and Victims Support Section — Prosecution. In Rwanda there were more than 86 field missions for the purpose of making initial contact, preparing documentation, putting in place protective measures, carrying out threat assessments, addressing witness security concerns and carrying out post-trial monitoring. During the year, 420 witnesses in Arusha and Kigali, including witnesses in previous cases who remained under the care and protection of the Section, were provided with medical treatment and medicine during the period of their testimony.

10. The reform of the legal aid programme of the Tribunal was one of the main priorities of the Registry during the reporting period and was aimed at ensuring that the appointment of members of defence teams did not affect the integrity of the judicial process. Internal procedures have been put in place to strengthen the process of vetting defence team members prior to their appointment as investigators/ assistants. In this regard, the contracts of three defence investigators were cancelled or not renewed in cases where the Registry had solid grounds to believe that defence investigators had been implicated in the genocide or were targeted by the Prosecutor of the Tribunal. Another defence investigator was suspended pending further investigation into his background.

11. The Legal and Detention Facilities Management Section has addressed the issue of fee-splitting and steps have been taken to eliminate abuses of the legal aid system. They include a system of strict monitoring and limitation on the number and the value of gifts received by detainees, the proposed amendment of the code of conduct so as to explicitly prohibit fee-splitting and the discharge of a defence counsel at the Tribunal for financial dishonesty. Furthermore, a panel has been established to improve the legal aid programme in order to ensure the efficient use of resources and the protection of the integrity of the Tribunal's judicial process.

12. The foregoing briefly outlines the main activities of the Tribunal in 2001. The specific financial outcomes of the initiatives implemented during the period under review are provided in the subsequent pages.

II. Performance report for 2001

Table 1
Overall appropriation and expenditure

(Thousands of United States dollars)

Object of expenditure	*Appropriation*	*Expenditure*	*Variance*	*Difference (percentage)*
Posts (net of staff assessment)	60 589.4	56 790.0	3 799.4	6.3
Other staff costs	1 800.0	1 875.9	(75.9)	(4.2)
Salaries and allowances of Judges	1 976.1	2 086.8	(110.7)	(5.6)
Consultants and experts	446.5	210.3	236.2	52.9
Travel	1 668.6	1 888.7	(220.1)	(13.2)
Contractual services	7 631.8	14 187.3	(6 555.5)	(85.9)
General operating expenses	6 075.2	6 006.4	68.8	1.1
Hospitality	4.0	4.8	(0.8)	(20.0)
Supplies and materials	1 493.7	1 111.4	382.3	25.6
Furniture and equipment	2 680.9	2 363.4	317.5	11.8
Construction, alteration and improvement of premises	1 025.4	636.9	388.5	37.9
Grants and contributions	216.0	325.7	(109.7)	(50.8)
Staff assessment	8 367.2	9 151.7	(784.5)	(9.4)
Total (gross)	**93 974.8**	**96 639.3**	**(2 664.5)**	**(2.8)**
Income from staff assessment	8 367.2	9 151.7	(784.5)	(9.4)
Total (net)	**85 607.6**	**87 487.6**	**(1 880.0)**	**(2.2)**

13. As shown in table 1, expenditure in 2001 totalled $96,639,300 gross ($87,487,600 net) against the appropriation of $93,974,800 gross ($85,607,600 net) approved by the General Assembly in its resolution 55/226 of 23 December 2000.

14. The resulting deficit of $1,880,000 as at 31 December 2001 reflects overexpenditures recorded in the Chambers ($27,000) and the Registry ($3,751,700), which were offset by savings of $1,898,700 in the Office of the Prosecutor (see table 2). Detailed expenditures recorded by the organs of the Tribunal are outlined below.

Table 2
Summary of appropriation and expenditure by organ of the Tribunal

(Thousands of United States dollars)

Organ	*Appropriation*	*Expenditure*	*Variance*	*Difference (percentage)*
Chambers	2 120.2	2 147.2	(27.0)	(1.3)
Office of the Prosecutor	21 609.4	19 710.7	1 898.7	8.8
Registry	61 878.0	65 629.7	(3 751.7)	(6.1)
Total (gross)	**93 974.8**	**96 639.3**	**(2 664.5)**	**(2.8)**
Income from staff assessment	8 367.2	9 151.7	(784.5)	(9.4)
Total (net)	**85 607.6**	**87 487.6**	**(1 880.0)**	**(2.2)**

Table 3
Chambers

(Thousands of United States dollars)

Object of expenditure	*Appropriation*	*Expenditure*	*Variance*	*Difference (percentage)*
Salaries and allowances of judges (including common costs)	1 976.1	2 086.8	(110.7)	(5.6)
Travel	144.1	60.4	83.7	58.1
Staff assessment	0.0	0.0	0.0	0.0
Total (gross)	**2 120.2**	**2 147.2**	**(27.0)**	**(1.3)**
Income from staff assessment	0.0	0.0	0.0	0.0
Total (net)	**2 120.2**	**2 147.2**	**(27.0)**	**(1.3)**

15. The increased requirement of $27,000 for the Chambers resulted from overexpenditure in salaries and allowances of judges ($110,700), which was partially offset by the savings under travel ($83,700) (see table 3).

Salaries and allowances of judges (increase of $110,700)

16. The overexpenditure is partially the result of savings of: $61,100 as a result of the delayed arrival of three judges to replace two judges appointed to the Appeals Chamber and the late Judge Kama, whose untimely death resulted in further savings of $11,400; $10,900 in home leave and education grant travel; and $500 from the special allowance paid to the Vice-President for each day that he acts as President. The savings were offset by an increase in pensions ($34,400) provided to judges and in relocation costs ($44,100). The appointment and relocation of two sitting judges to the Appeals Chamber in The Hague along with the appointment of their replacements and that of the late President in Arusha resulted in an increase in assignment grants, travel and shipment of personal effects ($116,100).

Travel (decrease of $83,700)

17. The reduced requirement of $83,700 for travel resulted from savings in connection with the meeting of trial judges of the International Tribunals for Rwanda and the Former Yugoslavia held at Trinity College in Dublin $28,000, and a further $65,600 was saved as a result of the reduction in additional trips to Arusha for appeals cases and the plenary session. The savings were offset by additional expenses incurred for the travel of judges to Kigali ($8,200) and a slight overexpenditure in the travel of the President ($1,700).

Table 4
Office of the Prosecutor

(Thousands of United States dollars)

Object of expenditure	*Appropriation*	*Expenditure*	*Variance*	*Difference (percentage)*
Posts (net of staff assessment)	20 087.6	18 150.5	1 937.1	9.6
Consultants and experts	195.1	132.4	62.7	32.1
Travel	938.7	1 219.0	(280.3)	(29.9)
General operating expenses	388.0	208.8	179.2	46.2
Staff assessment	2 992.9	3 016.4	(23.5)	(0.8)
Total (gross)	**24 602.3**	**22 727.1**	**1 875.2**	**7.6**
Income from staff assessment	2 992.9	3 016.4	(23.5)	(0.8)
Total (net)	**21 609.4**	**19 710.7**	**1 898.7**	**8.8**

18. The overall savings of $1,898,700 realized under the Office of the Prosecutor is reflected by the net savings under posts ($1,937,100), consultants and experts ($62,700) and general operating expenses ($179,200). The savings were partially offset by the increased requirement under travel ($ 280,300).

Posts (decrease of $1,937,100)

19. The savings under posts resulted from the higher than anticipated vacancy rates experienced by the Tribunal during the year. The budget assumptions included a vacancy rate of 19 per cent in the Professional category and above and 13 per cent in the General Service and related categories for continuing posts and 60 per cent in the Professional and 50 per cent in the General Service category for new posts. The actual vacancy rate at the end of the year was 26 per cent. A total of 54 posts remained unencumbered as at 31 December 2001. The actual monthly average was 41 vacant posts in the Professional category and 13 in the General Service category, resulting in savings under this heading.

Consultants (decrease of $62,700)

20. The savings under this heading is attributed to the lower than anticipated number of expert witnesses and consultants that appeared before the court. During the year, only 4 expert witnesses for the prosecution appeared before the court in the six trials instead of the projected 24, and further savings resulted from the hiring of five consultants/experts instead of the projected six for approximately 20 days.

Travel (increase of $280,300)

21. The increase in travel requirements resulted in part from missions undertaken by the Office of the Prosecutor ($74,200). In addition, the investigative teams took many trips within Rwanda as well as to countries in Europe, North America and the Middle East to identify and question witnesses and suspects. The actual number of trips taken by the teams was 761 within Rwanda, compared with the projected 400, and 80 outside the country compared with the estimated 73 ($244,300). The overexpenditures were offset by savings of $38,200 in connection with the tracking teams, since only 7 trips were undertaken to Europe and North America for an average of 25 days as compared with the projected 10 trips for 35 days. A total of 18 trips were taken to Nairobi and 11 to elsewhere in Africa, compared with the projected 20 and 16 trips, respectively.

General operating expenses (decrease of $179,200)

22. The savings under this heading are a direct result of the tracking teams' conducting fewer missions than expected to Europe and Africa, as well as limiting investigations to the places where some of the high-ranking suspects were located.

Staff assessment (increase of $23,500)

23. The standards used in the preparation of the budget document were lower than the actual experience during the year, which led to overexpenditures under this heading.

24. The net overexpenditure of $3,751,700 under the Registry resulted from increased requirements for other staff costs ($75,900), contractual services ($6,555,500), general operating expenses ($110,400), travel ($23,500), hospitality ($800), grants and contributions ($109,700) and additional staff assessment requirements ($761,100). This was partially offset by savings under posts ($1,862,300), consultants and experts ($173,500), supplies and materials ($382,300), furniture and equipment ($317,500) and construction, alteration and improvement of premises ($388,500).

Table 5
Registry

(Thousands of United States dollars)

Object of expenditure	*Appropriation*	*Expenditure*	*Variance*	*Difference (percentage)*
Posts (net of staff assessment)	40 501.8	38 639.5	1 862.3	4.6
Other staff costs	1 800.0	1 875.9	(75.9)	(4.2)
Consultants and experts	251.4	77.9	173.5	69.0
Travel of staff	585.8	609.3	(23.5)	(4.0)
Contractual services	7 631.8	14 187.3	(6 555.5)	(85.9)
General operating expenses	5 687.2	5 797.6	(110.4)	(1.9)
Hospitality	4.0	4.8	(0.8)	(20.0)
Supplies and materials	1 493.7	1 111.4	382.3	25.6
Furniture and equipment	2 680.9	2 363.4	317.5	11.8
Construction, alteration and improvement of premises	1 025.4	636.9	388.5	37.9
Grants and contributions	216.0	325.7	(109.7)	(50.8)
Staff assessment	5 374.3	6 135.4	(761.1)	(14.2)
Total (gross)	**67 252.3**	**71 765.1**	**(4 512.8)**	**(6.7)**
Income from staff assessment	5 374.3	6 135.4	(761.1)	(14.2)
Total (net)	**61 878.0**	**65 629.7**	**(3 751.7)**	(6.1)

Posts (decrease of $1,862,300)

25. The savings under posts resulted primarily from the high vacancy rate during the year. The budget assumptions included a vacancy rate of 19 per cent in the Professional category and above and 13 per cent for General Service and related categories for continuing posts, and 60 per cent in the Professional and 50 per cent in the General Service category for new posts. The actual overall vacancy rate at the end of the year was 15 per cent. A total of 97 posts remained unencumbered as at 31 December 2001. The actual monthly average was 38 vacant posts in the Professional category and 59 in the General Service category, resulting in savings under this heading.

Other staff costs (increase of $75,900)

26. Overexpenditure under this heading is attributed to additional requirements for general temporary assistance resulting from unforeseen expenditures for data-entry operators in the Evidence Unit and for staff to assist with the year-end inventory and additional Headquarters requirements for supplementary conference services ($20,000). The late processing of overtime payments for 2000 and additional field and headquarters overtime expenditures contributed to an increase in requirements for overtime ($55,900).

Consultants (decrease of $173,500)

27. The decrease under this heading relates to the lower than estimated number of expert witnesses appearing before the Trial Chambers. It was anticipated that 20 expert defence witnesses would appear during the year. However, because only two trials progressed to the defence stage in 2001, two expert witnesses were called to Arusha for fieldwork and three for trial.

Travel (increase of $23,500)

28. The increase under official travel for the Registry is attributed to additional requirements for the travel of the Registrar and his staff ($215,800), which were largely offset by savings of $183,500 realized under travel of witnesses and additional savings of $8,800 in the travel of internal audit staff from headquarters.

Contractual services (increase of $6,555,500)

29. The increase in resources reflects the additional financial requirements for defence counsel fees (totalling $5,967,300), which is partly attributable to fees ($1,685,700) for services rendered in 2000 but submitted and settled only very late in 2001 and new 2001 expenditures for defence teams ($4,281,600), particularly those in the pre-trial phase, being higher than projected. The number of lead counsel and co-counsel increased from 46 in 2000 to 79 in 2001, exceeding the initial projection of 59 that was envisaged in the budget for the pre-trial and appeals stage. An additional 16 lead counsel and co-counsel were engaged in ongoing trial proceedings. Given the concerns regarding costs for defence counsel, a panel was established to review the regime in place and to make recommendations for improvements in the arrangements. The panel has not yet concluded its work. In the meantime, controls have now been put in place to ensure that liabilities are recognized once a new commitment is entered into. Future costs will therefore be better controlled. Increases in the travel of defence counsel (totalling $307,800) are attributable in part to expenses ($156,100) incurred in 2000 but submitted and settled in 2001 and the increased number of counsel travelling to Arusha ($151,700). The additional requirements for travel of defence investigators and assistants (totalling $717,500) were due partially to travel incurred in 2000 but submitted and settled in 2001 ($140,500), as well as increased travel requirements ($577,000) of investigators and assistants, the number of which increased in 2001 to 106 from 84 in 2000, against a projected number for 2001 of 54.

30. The overexpenditure was partially offset by savings of: $166,100 for contractual security services resulting from the employment of fewer contractual security guards than anticipated and lower than estimated local security requirements for special projects and activities; $23,800 for external printing due to reduced requirements for printing the two judgements rendered in 2001 as well as less demand to print administrative forms; $39,600 resulting from a reduction in the number of courses conducted in Arusha and also the funding of some training programmes from extrabudgetary resources; $50,000 for contractual translation due to the limited number of external translations requested by defence counsel; $157,600 net for other contractual services, comprising a slight overexpenditure ($1,700) for the travel of external auditors to the Tribunal, offset by savings of $10,300 in maintenance fees for TRIM software; $64,800 for licensing fees for the Sun accounting system; $8,500 resulting from lower insurance premium payments

for third-party liability insurance coverage; $18,000 for laundry and cleaning services; and $57,700 for medical services because new detainees did not require costly treatments, tests and hospitalization compared with the experience in the previous year.

Hospitality (increase of $800)

31. The overexpenditure of $800 was due to higher expenses for official functions.

General operating expenses (increase of $110,400)

32. The increase in resource requirements ($110,400) under this heading is the result of overexpenditure ($717,500) for telecommunication costs — long-distance calls through the satellite network, an increase in rental of premises ($134,500) and additional requirements for freight ($57,900) and bank charges ($72,700).

33. These increases were partially offset by savings totalling $872,200 arising from: a reduction for pouch and courier services ($20,500); decreased utility costs ($197,600); lower costs stemming principally from the use of commercial air services for the transport of suspects and detainees and reduced requirements under the existing aircraft contract ($268,900); a decrease in requirements for general insurance coverage ($30,000); savings in the enforcement of sentences ($190,200); decreases for miscellaneous services ($44,700); and a decrease in resources for the protection and support of witnesses ($120,300) resulting from fewer witnesses than projected appearing before the Trial Chambers, longer periods of cross-examination, fewer cases at the defence stage of trial and fewer requests for relocation.

Supplies and materials (decrease of $382,300)

34. The decreased requirements of $382,300 under supplies and materials relate to the savings realized under stationery and office supplies ($10,300), data-processing supplies and consumables ($16,100), maintenance, repairs, spare parts for furniture and equipment ($66,300), library books and periodicals ($42,800), audio-visual supplies ($31,900), security and safety supplies ($56,200), supplies for the preservation of evidence ($5,000), clothing for detainees and witnesses ($14,500), medical supplies ($21,400), food and ration supplies for detainees ($35,900) and petrol, oil and lubricants ($107,200). These savings were offset by an increase under subscriptions ($17,800) and miscellaneous supplies ($7,500) for which no budgetary provisions were made.

Furniture and equipment (decrease of $317,500)

35. The decrease in resources relates to the savings realized under office furniture and fixtures ($12,700) and the acquisition of new automation equipment ($77,600), communications equipment ($435,800), audio-visual equipment ($30,300) and transport equipment ($44,000). These savings were partially offset by additional requirements under vehicle spare parts ($14,700) and other equipment ($268,200).

Construction, alteration and improvement of premises (decrease of $388,500)

36. The savings were realized in part as a result of the decision to build additional facilities within the current United Nations Detention Facility premises resulting in savings of $69,000. Further savings of $121,500 were realized when construction

projects within the Tribunal were downsized to accommodate requirements for space and $37,700 in further savings resulted from the decision to utilize uninterruptible power supply units for computers rather than rewiring the Hotel Amarhoro building in Kigali. Savings from ongoing construction projects and deferred projects reduced requirements by a further $38,600, and prior-period obligations amounting to $164,200 were liquidated which offset overexpenditure resulting from the renovation of the cafeteria and library at the United Nations Development Fund ($33,100) and the construction of a security scan post at the facility ($9,400).

Grants and contributions (increase of $109,700)

37. The increase under this heading was due to the receipt in 2001 of late charges for cost-sharing of security services and clinical dispensary charges in Kigali relating to services provided in 2000.

Staff assessment (increase of $761,100)

38. The standards used in the preparation of the budget document were lower than the actual experience during the year, which led to an increase in requirements under this heading.

III. Action to be taken by the General Assembly

39. **The General Assembly is requested to take note of the present report and to note also that the funding of the shortfall in respect of the overexpenditures incurred in 2001 would be addressed in the context of the first performance report for the biennium 2002-2003 when establishing the elements of the financing resolution for the Tribunal for 2003.**

Annex I

Performance indicators for 2001

Performance indicators	*2001 projection*[a]	*2001 implementation*
Chambers		
Trials	7	7
Appeals (full and interlocutory)	40	23
Court days	450	340
Plenary days	9	1
Office of the Prosecutor		
Number of investigations	200	95
Public indictments (cumulative since 1995)	100	77
Missions	740	794
Witnesses interviewed	850	860
Statements obtained	850	827
Arrests	12	12
Prosecution Division		
Motions/applications/responses	160	262
Trials under preparation	9	12
Trials being prosecuted	6	7
Trials completed	4	4
Verdicts	4	1
Appeals	28	8
Guilty pleas	-	-
Information and Evidence Support Section		
Documents indexed	12 000	141 397
Registry		
Press and information		
Media representation on distribution list	1 250	862
Press releases issued	120	115
Phone queries/document requests — press	1 500	1 440
Phone queries/document requests — public	1 000	1 080
Visits by university and other groups	100	116
News bulletin	2	2
Accredited journalists	80	96
Photographic exhibitions	12	10
Workshops/seminars	6	10
Court Management Section		
Court sessions	450	340
Court transcript pages	60 000	89 966

Performance indicators	*2001 projection*[a]	*2001 implementation*
Documents processed	5 500	15 225
Trials attended	7	7
Number of electronic transcripts processed	6 000	6 228
Exhibits processed for appeals	6 000	2 720
Judicial calendar issued	100	49
Witness and Victims Support Section — Prosecution		
Witnesses	240	155
Witness support days	2 500	4 071
Relocation requests	37	2
Witnesses with additional protective measures	53	38
Witnesses with additional support needs		
Medical and physiological	177	90
Clothes and others	210	120
Safe houses	2	2
Witness and Victims Support Section — Defence		
Witnesses	100	25
Witness support days	900	253
Relocation requests	15	4
Witnesses with additional protective measures	33	25
Witnesses with additional support needs		
Medical and physiological	50	25
Clothes and others	72	25
Safe houses	2	2
Lawyers and Detention Facility Management		
Number of legal counsel	90	95
Additional defence team members	120	334
Highest number of detainees	55	52
General Legal Services and Chambers Support Section		
Final judgements (English and French)	7	2
Judicial decisions (English and French)	400	375
Warrants of arrests (English and French)	20	14
Confirmation of indictments (English and French)	8	17
Rule 40 bis decisions (English and French)	3	3
Legal briefs	8	10
Legal memos	500	491
Preparation of plenary sessions	1	1
Annual report	1	1
Yearbook	1	0
Library		
Acquisition of books and materials for library	2 500	3 300

Performance indicators	*2001 projection[a]*	*2001 implementation*
Journal subscriptions and CD-ROMs	100	90
Newspapers/periodicals	30	15
Information processing		
Indexing/cataloguing	3 000	1 750
Reference services (information dissemination)		
Reference questions (in person, written, telephone)		
Arusha	15 300	18 774
Kigali	4 000	6 000
Library users		
Arusha	8 550	6 240
Kigali — Outreach Centre	6 000	7 000
Information products		
Weekly bibliographies	45	45
Quarterly bibliography	4	4
Daily news (via e-mail)	45	220
CD-ROM basic documents and case law	1	1
Division of Administration		
Personnel Section		
Staffing table	850	872
Applications received/screened	5 000	11 500
Special service contract	110	135
Offers of appointment	150	116
Pre-recruitment tests	125	537
Training courses	85	143
Finance Section		
Payroll (regular, extrabudgetary and projects)		
Local staff	329	372
International staff (local portion of entitlements)	578	442
Number of disbursement vouchers	8 850	9 761
Number of cheques issued	17 680	17 491
Number of official receipts issued	1 245	3 239
Number of financial statements	12	12
Number of expenditure review/performance reports	12	12
General Service Section		
Buildings Management		
Work orders completed	1 730	1 716
Major maintenance projects	12	9
Electrical repair and installation	600	588
Registry/pouch/fax/mail		
Incoming	54 000	50 979
Outgoing	60 000	57 952

Performance indicators	*2001 projection**	*2001 implementation*
Pouches received	1 500	848
Pouches dispatched	1 500	593
Visa applications/residence permits	600	847
Purchase requisition orders (PRO 6)	400	596
Shipping on appointment	45	73
Shipping on repatriation	35	27
Shipping on home leave	250	982
Air operations		
Number of flights	350	304
Number of passengers	1 600	1 483
Number of pieces of pouch items, cargo, luggage	2 000	2 880
Travel		
Authorizations, PT-8s raised	800	1 078
Invoices	480	825
Procurement		
Purchase orders raised	480	571
Contracts signed	34	26
Local Committee on Contracts cases	20	50
Headquarters Committee on Contracts cases	6	5
Communication and Information Technology/Management Information System Section		
Local-area network supported	6	2
Local-area network connections	1 592	1 000
Help desk calls	27 630	13 200
Help desk calls/support person	8 268	2 640
Help desk calls — computer on-site	1 500	1 800
Audio-video court sessions supported	350	524
PABX connections	1 220	1 083
Communications support, new extensions/moving	770	1 091
Communications troubleshooting	1 800	2 730
Communication help desk	5 000	15 313
Outgoing faxes (pages)	n/a	41 637
Incoming faxes (pages)	n/a	n/a
Switchboard incoming calls	280 000	182 648
Transport Unit		
Fuel coupons issued	19 000	11 603
Work orders prepared	3 500	1 632
Trip tickets	25 000	5 255
Number of spare parts issued	3 000	2 337
Language and Conference Services Section		
Translation pages	36 000	30 251

Performance indicators	*2001 projection*[a]	*2001 implementation*
Court interpreter sessions (Arusha)	618	629
Field interpreter days (Kigali)	4 686	628
Reproduction requests (pages)	2 200 000	5 948 707
Security Services Section		
Average number of patrol and posts covered daily	96	61
Staff identification cards issued	2 050	3 415
Visitor passes issued	14 850	29 045
Officers covering courtrooms and accused	16	22
Officers covering Tribunal headquarters	99	103
Officers at United Nations Detention Facility	32	32

[a] See A/55/512.

Annex II

Voluntary contributions and trust fund activities

1. The Voluntary Trust Fund was established by the General Assembly in its resolution 49/251 of 20 July 1995 in response to Security Council resolution 955 (1994) of 8 November 1994. The Assembly invited Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General. As at 31 December 2001, donations to the Trust Fund amounted to $8,048,600.

Contributions to the Voluntary Trust Fund for the International Tribunal for Rwanda by contributor, as at 31 December 2001

(Thousands of United States dollars)

Contributor	*Amount*
Belgium	2 705.4
Canada	734.8
Chile	1.0
Denmark	43.4
Egypt	1.0
Finland	182.9
Greece	20.0
Holy See	3.0
Ireland	237.7
Israel	7.5
Lebanon	3.0
Netherlands	2 995.5
New Zealand	34.7
Norway	49.9
Spain	150.0
Sweden	68.7
Switzerland	188.0
United Kingdom	372.0
United States	250.0
Total	**8 048.6**

Expenditures from extrabudgetary resources

(Thousands of United States dollars)

	Expenditure	
Objects of expenditure	*2000*	*2001*
General temporary assistance	0.0	9.0
Consultants/experts	15.5	9.1
Travel	40.0	18.8
Contractual services	321.9	134.7
General operating expenses	0.0	30.0
Supplies	0.0	95.8
Furniture and equipment	62.4	106.3
Fellowships	0.0	18.9
Total direct expenditures	**439.8**	**413.6**
Programme support	57.2	53.7
Total expenditures	**497.0**	**467.3**

2. The following major activities were funded by voluntary contributions during 2001:

(a) Establishment of a link between Analyst software and the evidence database. This programme completes the implementation of Zylab, iBase and Analyst software applications and establishes a workable link among them to facilitate the proper analysis of collected evidence. The Evidence Unit within the Investigations Division catalogues and archives evidence submitted by the investigators and has implemented Zylab, which serves as the repository for the full electronic collection of evidentiary data. The Analyst Unit of the Division has recently implemented iBase and Analyst Notebook software applications. As at 31 December 2001, expenditures of $67,900 had been recorded;

(b) Preservation of evidence. This project addresses the decomposition of fragile analogue evidence collected by the Investigations Division in the form of standard video- and audiotapes. The evidence cannot be properly preserved using the Tribunal's current facilities. Much evidence has already been lost or contaminated due to the degradation caused by exposure. Under the project evidence will be digitized and stored on a digital tape or CD-ROM. As at 31 December 2001, expenditures of $85,900 had been recorded;

(c) Strategy workshop in Zanzibar. The main objectives of this programme were to provide an opportunity for key staff in the trial, legal and investigation sections of the Office of the Prosecutor to hold discussions in order to develop an investigation and prosecution strategy for the Office. This would involve reviewing the strategy that evolved during the workshop held in Dar es Salaam in April/May 1997, examining very carefully the strategy used in the past in the light of the methods that are now being employed by suspects and accused persons to evade detection and arrests and examining the possibility of closer collaboration with

Interpol and national police forces. As at 31 December 2001, expenditures of $5,900 had been recorded;

(d) Intelligence and Tracking Unit Activities. The Government of the United States earmarked funds for the Prosecutor for activities of the Tracking and Intelligence Unit. The Unit operates on the African, European and North American continents. In a number of areas, especially in Africa, communications are difficult and secure communications are not available anywhere. Due to the sensitive nature of the work and the need to maintain secrecy to protect the identity of informants as well as the security of investigators, secure communications are a necessity. As at 31 December 2001, expenditures of $93,100 had been recorded;

(e) Outreach programme. This programme, a continuation of a project begun in 1999 under the title "Bringing Justice to the Rwandan People", seeks to contribute to the national reconciliation and the restoration and maintenance of peace in Rwanda. It provides key Rwandan individuals with an opportunity to experience first-hand the work of the Tribunal while improving communications between the Tribunal and the Rwandan people. Programmes include the funding of two workshops and two seminars in Arusha and Kigali related to the operation and activities of the Tribunal. The Information and Document Centre in Kigali is the operational base and focal point of this programme. The Centre provides the Rwandan people with immediate access to the Tribunal by supplying pertinent information such as pamphlets, informational brochures, news releases and the like. As at 31 December 2001, expenditures of $46,200 had been recorded;

(f) Support programme to witnesses and potential witnesses. This programme began in 1999. It is aimed at facilitating the work of the Tribunal by creating an environment conducive to its investigative, prosecutorial and judicial operations among witnesses by providing limited assistance to their rehabilitation efforts and for their physical security before, during and after trial proceedings. The main goals of the programme include ensuring the physical security of witnesses and their property, fostering physical and psychological rehabilitation by providing medical care and strengthening the ability of witnesses and victims to fend for themselves through the provision of legal assistance and advice. As at 31 December 2001, expenditures of $88,500 had been recorded;

(g) Fellowship programme. This ongoing programme has proved very successful in promoting goodwill within the international community as well as in supporting the aspirations of fellows studying international humanitarian law or related fields. As at 31 December 2001, expenditures of $18,900 had been recorded;

(h) Reproduction of exhibits. Under this project, the Tribunal acquired equipment to allow the Court Management Section to reproduce exhibits required to consider cases before the Appeals Chamber. It was determined that the costly process could be avoided if the Tribunal were to purchase the equipment necessary to handle the reproduction in-house. It is estimated, as a result of the increasing number of appeals, that the cost for the reproduction of exhibits would increase. It was therefore considered prudent for the Tribunal to invest in the purchase of equipment needed to have in-house exhibit reproduction in order to save funds in the long run. As at 31 December 2001, expenditures of $7,200 had been recorded.

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Item 111 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and extreme poverty

Report of the Secretary-General**

Summary

The present report was prepared pursuant to General Assembly resolution 55/106 in which it was decided that the Assembly would consider the question of human rights and extreme poverty at its fifty-seventh session. The report includes an overview of developments in relation to clarifying the link between human rights and extreme poverty. The report provides a recommendation for consideration by the General Assembly regarding the adoption of a conceptual framework for a human rights approach to poverty reduction.

* A/57/150.

** This document is submitted late so as to include the most up-to-date information possible, in particular information regarding the first session of the Social Forum organized by the Office of the United Nations High Commissioner for Human Rights, which met on 25 and 26 July 2002, prior to the fifty-fourth session of the Subcomission on the Promotion and Protection of Human Rights (see the Office's web page on the Social Forum at http:/www.unhchr.ch/html/menu2/2/sfmain.htm).

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Introduction

1. In its resolution 55/106 of 4 December 2000, the General Assembly decided to consider the question of human rights and extreme poverty at its fifty-seventh session.

2. The General Assembly has used different terms to identify different forms of poverty. According to resolution 53/198 of 15 December 1998 on the implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006), the Assembly established two distinct goals: to eradicate extreme poverty and to reduce substantially overall poverty in the world. While a distinction between overall poverty and extreme poverty is made in terms of achievable objectives, this does not mean that there are two different types of poverty. Overall and extreme poverty are different in degree but are the same in terms of causes and consequences, and therefore require similar remedies. The present report therefore does not make any conceptual distinction between them.

3. The aim of the report is to assess progress made in clarifying the link between human rights and poverty/extreme poverty, and suggest a conceptual framework that responds to poverty/extreme poverty in human rights terms.

4. Over the last decade there has been a perceptible move towards a broader understanding of the development process. That process is no longer viewed merely in terms of advancement in the financial standard of living of people but also in terms of their social and political well-being. In 1984, a report of the Secretary-General on social aspects of development emphasized that for many social groups in developing countries, a decline in living standards had meant not simply less income and consumption, but also loss of social status and increasing disintegration of their established way of life. In its resolution 1988/47 of 27 May 1988, the Economic and Social Council requested the Commission for Social Development to examine the interrelationship between social development and the eradication of poverty. The Commission reported to the Council that poverty could be reduced if economic policy, and specific development projects, had a greater social content.[1] During the 1990s, the United Nations Development Programme (UNDP), using the notion of "human development" in its reports, also had a major impact on the redefinition of the concept of development within the United Nations system.

5. The process of development is now increasingly seen in terms of socially desired outcomes. These are reflected, for instance, in the outcome indicators on education and health presented by the United Nations Development Programme in successive editions of the *Human Development Report* since 1990, as compared with the conventional input indicators of income per capita and gross domestic product (GDP). The process is also being seen in terms of the choices and the opportunities that it has to offer to people at large. More importantly, it is being seen in terms of the "basket" of human rights that should be promoted, protected and even guaranteed to expedite progress towards the desired social ends. Much of this change in the conceptualization of the development process comes from the recognition that economic growth, though necessary, is not sufficient in itself to ensure that developmental goals are met for every individual, and met through a process that is participatory, non-discriminatory and transparent, and that encourages empowerment and accountability. Such recognition is particularly

important in the context of poverty reduction and calls for the need to define poverty in broader terms, including human rights.

6. This evolution in the understanding of poverty demonstrates the important gains that have been made. However, lessons have also been learned from the failures. In particular, there is a need to clarify the meaning of rights-based approaches to development in practical terms; bridge the large gap between normative and development approaches in addressing poverty; and reconcile the different approaches of the social, legal and economic disciplines to the common goals of reducing overall poverty and eradicating extreme poverty. The language of these respective approaches needs to be consistent and mutually understandable. In December 2001, the United Nations High Commissioner for Human Rights delivered a lecture at the World Bank in Washington, D.C., entitled "Bridging the gap between human rights and development: from normative principles to operational relevance". She stated that lawyers should not be the only voice in human rights and, equally, economists should not be the only voice in development, and that the present challenge was to demonstrate how the assets represented by human rights principles, a form of international public good, could be of value in pursuing the overarching development objective, the reduction of poverty.[2]

I. Eradicating extreme poverty: an overarching goal of the United Nations in the new millennium

7. During the last ten years, poverty reduction has been identified by the international community as the overriding objective of development cooperation.

Outcomes of the global conferences

8. During the 1990s successive world conferences addressed the question of poverty, including extreme poverty, as the major problem facing the international community at the end of the century. The declarations and programmes of action produced by these international conferences also recognized impoverishment as one of the main obstacles confronting individuals and peoples in the exercise of their human rights. In 1993, the World Conference on Human Rights affirmed that the existence of widespread extreme poverty inhibited the full and effective enjoyment of human rights and constituted a violation of human dignity.

9. The Programme of Action adopted during the World Summit for Social Development,[3] held in Copenhagen in 1995, committed Governments to giving greater focus to public efforts to eradicate extreme poverty and reduce overall poverty substantially by promoting effective enjoyment by all people of civil, cultural, economic, political and social rights, and access to existing social protection and public services, in particular through encouraging the ratification and ensuring the full implementation of relevant human rights instruments, such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

10. During the twenty-fourth special session of the General Assembly at Geneva (26 June-1 July 2000), in resolution S-24/2, Governments reiterated their determination and duty to eradicate poverty through the maintenance of peace and

security within and among nations, democracy, the rule of law, and the promotion and protection of all human rights and fundamental freedoms, including the right to development.

11. In this context, the Senior Management Group established by the Secretary-General requested the United Nations Development Group to lead the preparation of a system-wide initiative, the United Nations strategy for halving extreme poverty and its options for action. The strategy outlines the role of the United Nations at the global, programmatic and national levels to work with partners to realize the goal of halving the proportion of people living in extreme poverty by 2015. It has been approved by the Senior Management Group and the United Nations System Chief Executives Board for coordination. A corresponding training module has been prepared to ensure that the United Nations system becomes a more effective supporter of national poverty reduction strategies.

Poverty Reduction Strategy Papers

12. The World Bank and the International Monetary Fund decided in 1999 to require countries to prepare Poverty Reduction Strategy Papers (PRSPs) in order to qualify for concessional assistance and debt relief under the Heavily Indebted Poor Countries (HIPC) Initiative. The PRSP is an analytical and comprehensive framework, integrating macroeconomic, structural, sectoral and social considerations and outlining a set of poverty reduction measures and policies. It is nationally owned and is developed through a participatory process. Each PRSP has to be approved by the World Bank and International Monetary Fund Boards before the country can receive concessional assistance and investment. The PRSP should span an initial three-year time frame. There is an increased recognition that the Poverty Reduction Strategy Paper constitutes the main poverty reduction "tool".

13. In order to support United Nations country teams participating in consultations on PRSPs, the United Nations Development Group prepared a guidance note on Poverty Reduction Strategy Papers which sets out a human rights approach to poverty reduction.

Millennium development goals

14. At the Millennium Summit in September 2000, by General Assembly resolution 55/2, 147 heads of State and Government, and 191 Member States in total, adopted the Millennium Declaration, which sets out the United Nations agenda for the twenty-first century for peace, security and development concerns, including in the areas of environment, human rights, and governance.

15. The eight millennium development goals, encapsulated in the Millennium Declaration, represent a new global agenda for development and set particular goals and targets, including in the area of the eradication of extreme poverty.

16. To achieve those goals, the United Nations system has developed a number of activities, including the establishment of a United Nations Development Group working group on the Millennium Development Goals charged with the task of operationalizing them.

17. All the above initiatives address explicitly or implicitly the human rights dimension of poverty reduction. It is important that they adequately reflect the linkages between poverty and human rights, and reveal a good understanding of the content of a human rights approach to poverty reduction.

II. The relationship between extreme poverty/poverty and human rights: overview of developments

18. In the last two decades, important theoretical contributions have been made to developing human rights approaches to poverty reduction. The work of the Human Rights Commission's first working group on the right to development in the 1980s highlighted the integral link between human rights and development, including poverty.[4]

19. The Commission on Human Rights has considered the relationship between human rights and extreme poverty since 1990, when in resolution 1990/15 it requested the Subcommission on the Promotion and Protection of Human Rights (prior to 1999 known as the Subcommission on Prevention of Discrimination and Protection of Minorities) to study the issue.[5] In response, the Subcommission appointed the Special Rapporteur on human rights and extreme poverty, Leandro Despouy, who published his final report in 1996 (E/CN.4/Sub.2/1996/13). That study constituted the first comprehensive analysis of poverty and human rights.

20. The Subcommission on the Promotion and Protection of Human Rights gave a mandate to a Special Rapporteur to analyse the relationship between the full enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels. The study by the Special Rapporteur, José Bengoa, entitled "Poverty, income distribution and globalization: a challenge for human rights (E/CN.4/Sub.2/1998/8), highlighted the fact that growth since 1987 — the end of the cold war — was accompanied by a marked negative distribution of income at both the international and the national levels, and pointed out that unequal distribution of income was always linked to poverty. He concluded that income distribution was very closely linked to the full enjoyment and realization of human rights.

21. Following the proclamation of the first United Nations Decade for the Eradication of Poverty (1997-2006), the Commission on Human Rights appointed Anne-Marie Lizin as independent expert on the question of human rights and extreme poverty. Her mandate has been extended twice, in 2000 and 2002. Since 1997, the independent expert has submitted four reports.[6] Her work has sought to clarify the relationship between human rights and poverty.

22. In order to further clarify the relationship between human rights and extreme poverty, the Commission has also been considering the question of developing a declaration on this topic. The Commission mandated the Office of the United Nations High Commissioner for Human Rights to organize two seminars on the subject, one in 1999 and, in its resolution 2000/12, another in 2001.[7] Both meetings recognized the need for a new text that would build on existing human rights norms and standards in a manner that explicitly addressed the phenomenon of poverty/extreme poverty and clarified definitional issues within the framework of human rights. Taking note of the conclusions of the second seminar, the

Commission, in resolution 2001/31, requested the Subcommission to consider the need to develop such a text.[8] The Subcommission, in its resolution 2001/8, then requested four experts among its members to submit a joint working paper on the above subject at its fifty-fourth session.[9]

23. On 26 and 27 July 2002, according to Commission on Human Rights resolution 2001/24, the first session of a new social forum was organized at Geneva, focusing on the theme, "The relationship between poverty reduction and the realization of the right to food".[10] The establishment of the Social Forum within the United Nations framework had been discussed by the Commission and the Subcommission on the Promotion and Protection of Human Rights since 1997. The intention in establishing the Social Forum was to create an opportunity within the human rights system for a dialogue that went well beyond the actors normally represented in United Nations human rights discussions. The idea was to involve, to a greater extent, representatives of the most vulnerable groups, in particular people living in poverty, and of civil society and the private sector in addition to States, United Nations agencies and other intergovernmental organizations in a substantive discussion on specific topics through interactive and constructive dialogue.

24. The United Nations treaty bodies have also contributed to the task of clarifying the relationship between human rights and poverty by monitoring the implementation of human rights covenants and conventions, through the reporting process, the development of general comments, and a constructive dialogue between States parties and the Committees on matters relating to poverty and development. In particular, the general comments and concluding observations adopted by the Committee on Economic, Social and Cultural Rights take increasingly into account the question of poverty eradication. Economic, social and cultural rights are seen by the Committee as a key vehicle by which economically and socially marginalized people, especially vulnerable groups, can lift themselves out of poverty and participate fully in their communities.

25. In May 2001, the Committee on Economic, Social and Cultural Rights adopted a statement on poverty, which recognized that poverty constituted a denial of human rights and defined poverty as a human condition characterized by the deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights (E/C.12/2001/10).

26. In the context of the United Nations reform,[11] human rights have been designated as an issue cutting across the four substantive fields of the Secretariat's activities, including development cooperation. This has introduced a new dimension into the work of the United Nations system, including the international financial institutions.[12]

27. The Bretton Woods institutions are increasingly considering the existing relationship between poverty and human rights. The *World Development Report 2000/01: Attacking Poverty*,[13] paid close attention to the lives of those individuals who are living in poverty and adopted a multidimensional definition of poverty. Nobel Prize-winning economist Amartya Sen, who argues that poverty must be seen as the deprivation of basic capabilities rather than merely as lowness of incomes,[14] has been the pioneer in this new thinking. The data contained in the World Bank's *Voices of the Poor* series have also informed this new approach. The series provides compelling testimony of the many ways in which poor people's rights are violated

and highlights the need for a rights-based approach to empower poor people to seek their rights and hold Governments and institutions accountable.[15]

28. Recently the World Bank president asked his staff to prepare a strategy on human rights. That constituted a major step by the Bank in the recognition of the inextricable link between human rights and poverty.[16]

29. The above activities have largely contributed to the development of a conceptual framework that has been further defined by the Office of the High Commissioner through the development of draft guidelines on a human rights approach to poverty reduction strategies.[17]

III. The conceptual framework of a human rights approach to poverty reduction

30. A rights-based approach to poverty reduction is a conceptual framework for the process of sustainable human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights of people living in poverty. The human rights approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of poverty reduction. The norms and standards are those contained in the numerous international treaties and conventions. The principles in question are the identification of the poor; empowerment; the international human rights framework; participation; equity and non-discrimination; the progressive realization of rights; and accountability.

Identification of the poor

31. From a human rights perspective, poverty may be seen as the non-fulfilment of a person's rights to a range of basic capabilities to do and be the things that the person may value. Capability failure is thus the defining attribute of poverty. Since different societies may have different orders of priority, the list of basic capabilities may differ from one society to another.

32. Once the basic capabilities have been identified, the next step is to identify the population groups that suffer from inadequate achievement of those basic capabilities. Whatever method is actually used to identify the poor, the human rights approach demands that it should be guided by a couple of special considerations. First, the objective of the exercise should not merely be to come up with a number, such as the proportion of the poor in the population, but to know who the poor people are. Thus it is necessary to identify specific groups — in terms of various characteristics, such as gender, geographical location, ethnicity, religion, age, and occupation — in which poverty is entrenched, so that the problem of poverty can be addressed at as disaggregated a level as possible. Second, special efforts must be made to identify those among the poor who are especially deprived (e.g., women) and vulnerable (e.g., the victims of HIV/AIDS). When constraints on resources call for setting priorities, it is the entitlement of these groups that should receive prior attention.

Empowering the poor

33. Fundamentally, a human rights approach to poverty is about the empowerment of the poor. One of the clearest and most persistent themes in the series *Voices of the Poor* is the powerlessness of the poor.[18] For example, the second volume, *Crying Out for Change*, is organized around an examination of the ten interlocking dimensions of powerlessness and ill-being that emerge from poor people's experiences. Strikingly, it concludes that the challenge for development professionals, and for policy and practice, is to find ways to weaken the web of powerlessness and to enhance the capabilities of poor women and men so that they can take more control of their lives.

34. While the common theme underlying poor people's experiences is one of powerlessness, human rights empower individuals and communities by granting them entitlements that give rise to legal obligations on others. Provided the poor are able to access and enjoy them, human rights can help to equalize the distribution and exercise of power both within and between societies. In short, human rights can mitigate the powerlessness of the poor.

Explicit recognition of the international human rights normative framework

35. The international human rights normative framework provides norms and standards that empower the poor. A human rights approach to poverty will include an explicit recognition of that framework. Special attention will be given to those treaties that a State has ratified for two reasons: treaty ratification represents "country ownership" of the relevant provisions; and second, a ratified treaty is legally binding on all branches of Government. Careful attention will also be given to the commitments entered into during the recent world conferences, so far as they bear upon international human rights.

36. An explicit reference to the international human rights treaties that a State has ratified serves to remind all parties that, when dealing with any Government, they are required, as a minimum, to avoid policies and practices that make it more difficult for that Government to conform to treaty obligations it owes to individuals and groups within its jurisdiction. Moreover, all parties should use their best endeavours to help a Government realize its international human rights treaty obligations.

Non-discrimination and equality

37. The right to equality and the principle of non-discrimination are among the most fundamental elements of international human rights law. The poor are usually victims of discrimination on various grounds, such as their birth, property, national and social origin, race, colour, gender and religion. If Governments are responsible for such discrimination, they are under an obligation immediately to prohibit and cease all discriminatory laws and practices. If discriminatory attitudes are caused by traditions among the population, usually deeply rooted, Governments shall adopt and enforce laws prohibiting any discrimination by private actors. In both cases, Governments must in addition take special measures in order to provide to their

most vulnerable, discriminated and socially excluded groups, including the poor, effective protection against discrimination by governmental authorities as well as by private actors.

38. As discrimination may cause poverty, poverty also causes discrimination. In addition to discrimination based on their race, colour, gender or social origin, the poor are subject to discriminatory attitudes by governmental authorities and private actors because they are poor. The twin principles of equality and non-discrimination require States to take special measures to prohibit discrimination against the poor and to provide them with equal and effective protection against discrimination. Since the poor are among the most vulnerable groups of every society, there is a need to start by addressing the special need of the poor not to be discriminated against, according to the particular circumstances of the society concerned.

Participation

39. A human rights approach to poverty also requires the active and informed participation of the poor in the formulation, implementation and monitoring of poverty reduction strategies. The right to participation is a crucial and complex human right that is inextricably linked to fundamental democratic principles.

40. The international human rights normative framework includes the right to take part in the conduct of public affairs.[19] Although free and fair elections are a crucial component of the right to participate, they are not enough to ensure that those living in poverty enjoy the right to participate in key decisions affecting their lives. Specific mechanisms and detailed arrangements for the enjoyment of the right to participate will vary greatly from one context to another: one size does not fit all. It must be recognized that some traditional elites are likely to resist the active and informed participation of the poor in decision-making.

41. The *Voices of the Poor* project highlights the importance to the poor of the right to participate. As *Crying Out for Change* observes, the poor want desperately to have their voices heard, to make decisions, and not always to receive the law handed down from above; they are tired of being asked to participate in government projects with low or no returns.[20] The right to participate, the study concludes, must be enshrined in law.[21]

42. The enjoyment of the right to participate is deeply dependent on the realization of other human rights. For example, if the poor are to participate meaningfully in poverty reduction strategies, they must be free to organize without restriction (right of association), to meet without impediment (right of assembly), and to say what they want without intimidation (freedom of expression); they must know the relevant facts (right to information) and they must enjoy an elementary level of economic security and well-being (right to a reasonable standard of living and associated rights). Thus, without parallel arrangements to realize these other rights, the poor cannot participate in an active and informed manner in the formulation, implementation and monitoring of poverty reduction strategies.[22]

Progressive realization of human rights

43. International human rights principles recognize that many human rights will be realized progressively and are subject to the availability of resources.[23] Accordingly, the precise obligations arising from some human rights vary over time in relation to the same State (progressive realization) and from one State to another (because of differing resource availability). Significantly, the concepts of progressive realization and resource availability are also important features of anti-poverty strategies. All poverty reduction strategies are based on an appreciation that poverty cannot be eliminated overnight (progressive realization); and all such strategies are dependent, to one degree or another, on resource availability. This, therefore, is another area of congruence between the international human rights framework and poverty reduction strategies.

44. In the context of international human rights, progressive realization requires the use of human rights indicators and benchmarks. Briefly, a bundle of disaggregated indicators will be identified for each human right that is subject to progressive realization. Realistic time-bound national benchmarks (or targets) will be set in relation to each indicator; consistent with their right to participate, the poor should participate in the identification of these benchmarks. If there are ten right-to-health indicators, then ten right-to-health benchmarks will be set in relation to a particular State. Over time, the right to health in that State will be monitored by reference to those national benchmarks. As the benchmarks are achieved, more ambitious ones will be set. In this way, the progressive realization of the right to health is measured and monitored.

45. Importantly, the progressive realization of human rights and poverty reduction strategies demands effective monitoring by way of indicators and national benchmarks. Furthermore, indicators and benchmarks are an essential precondition for another vital feature of a human rights approach to poverty reduction: effective accountability.

Accountability

46. The international normative framework empowers the poor by granting them rights and imposing legal obligations on others. Crucially, rights and obligations demand accountability: unless supported by a system of accountability, they can become no more than window-dressing. Accordingly, the human rights approach to poverty reduction emphasizes obligations and requires that all duty-holders, including States and intergovernmental organizations, are held accountable for their conduct in relation to international human rights.

47. While duty-holders must determine for themselves which mechanisms of accountability are most appropriate in their particular case, all mechanisms must be accessible, transparent and effective.

Conclusions and recommendations

48. **At the 1993 World Conference on Human Rights, it was affirmed that extreme poverty and social exclusion constituted a violation of human dignity.**

49. At the Millennium Summit, the General Assembly in resolution 55/2 pledged to spare no effort to free their fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them were currently subjected. The Millennium Declaration also committed all countries to making the right to development a reality for everyone and to freeing the entire human race from want. For the first time, the heads of State recognized explicitly the link between the realization of the right to development and poverty reduction. That provided unanimous acceptance of the inextricable link between human rights and poverty. On the basis of this momentum, concrete human rights responses to the situation faced by poor people must now be set out. Part III of the present report has suggested a conceptual framework on which those responses can be based.

50. Operationalizing the millennium development goal of eradicating extreme poverty is not simply a concern of the developing world. It is also the concern of the human rights community. Human rights reinforce and complement the overarching development goal of the United Nations, the eradication of extreme poverty.

51. The peoples of the United Nations share the responsibility of achieving this major goal with due respect for human rights.

Notes

[1] See *Official Records of the Economic and Social Council, Supplement No. 7* (E/1989/25).

[2] The lecture is available from http://www.unhchr.ch/development/newsroom.html.

[3] A/CONF.166/9, chap. I, resolution 1, annex II, chap. II.

[4] See the following reports of the Working Group of Governmental Experts on the Right to Development: E/CN.4/1489; E/CN.4/1983/11; E/CN.4/1984/13; and E/CN.4/1985/11.

[5] See *Official Records of the Economic and Social Council*, 1990, *Supplement No. 2* (E/1990/22-E/CN.4/1990/94, and Corr.), chap. II, sect. A.

[6] E/CN.4/1999/48; E/CN.4/2000/52; E/CN.4/2001/54; and E/CN.4/2002/55.

[7] See *Official Records of the Economic and Social Council*, 2000, *Supplement No. 3* (E/2000/23-E/CN.4/2000/167), chap. II, sect. A.

[8] See *Official Records of the Economic and Social Council*, 2001, *Supplement No. 3* (E/2001/23-E/CN.4/2001/167), chap. II, sect. A.

[9] E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. II, sect. A.

[10] Ibid.

[11] See the Report of the Secretary-General on renewing the United Nations: a programme for reform (A/51/950).

[12] See *Development and Human Rights: The Role of the World Bank* (Washington, D.C., The World Bank, 1998), and UNDP, *Human Development Report 2000: Human Rights and Human Development* (New York, Oxford University Press, 2000).

[13] World Bank, *World Development Report 2000/01: Attacking Poverty* (New York, Oxford University Press, 2000).

[14] Amartya Sen, *Development as Freedom*, (New York, Knopf, 1999).

[15] Deepa Narayan, and others, *Voices of the Poor*, vol. I, *Can Anyone Hear Us?* (2000); vol. II, *Crying Out for Change* (2000); and vol. III, *From Many Lands* (2002) (New York, Oxford University Press for the World Bank).

[16] See Bretton Woods Project at http://www.brettonwoodsproject.org/topic/social/s2901hr.html.

[17] Following a request by the Committee on Economic, Social and Cultural Rights, the Office of the High Commissioner is currently developing draft guidelines on a human rights approach to poverty reduction strategies. The objective is to prepare operational guidelines for the use of practitioners involved in the design, implementation and monitoring of poverty reduction strategies. A first draft was considered by an expert seminar convened by the Office from 19 to 20 June 2002 in Geneva. The guidelines will be revised in the light of the outcome of the seminar and will be made available by the end of August. During 2003, the draft guidelines will be tested through national consultation and piloting. The terms of reference of the project are available at http://www.unhchr.ch/development/povertytor.html.

[18] Much of chap. III of the present report is based on the *Voices of the Poor* series, which is a contemporary, comprehensive and graphic study of the multidimensional nature of poverty. There are other poverty studies that support its analysis, such as the UNDP *Human Development Report 1997: Human Development to Eradicate Poverty* (New York, Oxford University Press, 1997) and the UNDP poverty reports for 1998 and 2000, *Overcoming Human Poverty* (United Nations publications, Sales Nos. 99.III.B.2 and 00.III.B.2).

[19] See, for example, article 21 of the Universal Declaration on Human Rights, article 25 of the International Covenant on Civil and Political Rights and article 13(1) of the International Covenant on Economic, Social and Cultural Rights.

[20] Deepa Narayan, and others, *Voices of the Poor*, vol. II, *Crying Out for Change* (New York, Oxford University Press, 2000), p. 281.

[21] Ibid., p. 282.

[22] This analysis recalls that made in *Crying Out for Change*, where the authors stated that the right to participate has to include rules about public disclosure of information; freedom of association, speech and the press; and freedom to form organizations.

[23] See, for example, article 2(1) of the International Covenant on Economic, Social and Cultural Rights, and articles 4 and 28(1) of the Convention on the Rights of the Child.